

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
LICENSING SUB-COMMITTEE – 19TH DECEMBER 2007**

Title of report	APPLICATION FOR A PREMISES LICENCE
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Purpose of report	To determine an application for a Premises Licence in respect of premises Total Convenience Store and located at 250 Bardon Road, Coalville , Leicestershire, LE67 4BL. This report outlines the application and summarises the representations received. It also highlights the licensing objectives, the relevant parts of Government guidance and the pertinent sections of the Licensing Authority’s Licensing Policy.
Strategic aims	Safer Communities
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant Corporate Action Team</p> <p>Risk Management</p> <p>Equalities Impact Assessment</p> <p>Human Rights</p> <p>Transformational Government</p>	<p>Implications arising from an appeal made to the Magistrates Court by anyone aggrieved by the decision of the Sub-Committee.</p> <p>Safer CAT.</p> <p>Not applicable.</p> <p>Not applicable.</p> <p>Article 1 of Protocol 1 of the European Convention of Human Rights provides that everyone is entitled to the peaceful enjoyment of his possessions, except in the public interest and subject to the conditions provided for by law.</p>
Comments of Head of Paid Service	Not applicable.
Comments of Section 151 Officer	Not applicable.

Comments of Monitoring Officer	Not applicable.
Consultees	Leicestershire Constabulary, Leicestershire Fire and Rescue Service, Trading Standards, Health and Safety, Environmental Protection, Planning and members of the public/local businesses by way of notice on the premises and in the local press.
Background papers	Guidance issued under Section 182 of the Licensing Act 2003 - available for reference at www.culture.gov.uk and Statement of Licensing Policy -available for reference at www.nwleics.gov.uk/licensing
Recommendations	THAT THE SUB-COMMITTEE DETERMINE THE APPLICATION.

1. Background

1.1 The premises currently operate as a convenience store and petrol filling station under the authorisation of a premises licence. The premises licence authorises the sale by retail of alcohol and late night refreshment subject to conditions. A copy of the premises licence is attached as **appendix 1** which details the permitted activities and the hours at the premises.

1.2 An application for the variation of a premises licence was received on 31st October 2007 from Total UK Limited. A full copy of the application is attached as **appendix 2**.

1.3 A map showing the location of the premises to which the application relates is attached as **appendix 3**.

1.4 The Licensable activities that have been applied for are:

Late night refreshment – Indoors and outdoors

∇ Monday to Sunday - 23:00hrs – 05:00hrs

Supply of alcohol for consumption off the premises:

∇ Monday to Sunday - No time restrictions

1.5 The application has also requested to change the layout of the premises.

1.6 The applicant has specified that the following steps will be taken to promote the licensing objectives:

Prevention of Crime and Disorder

- The premises benefit from CCTV multiplex system covering the site internally and externally supported by 31 day recording facilities.
- Checkout point of sale is manned at all times.
- Full alarm system.
- Shunt locks and night pay hatch facilities.

Public Safety

- The company ensure all Health and Safety provisions are satisfied together with statutory fire regulations.
- All fire doors will be maintained effectively self closing and shall not be held open.
- Notices are displayed providing fire evacuation procedure.
- All staff trained in basic Health & safety at work and age related product sales.

Prevention of Public Nuisance

- Litter bins are provided and site is cleaned daily as part of cleaner's duties.

Protection of Children from Harm

- All age related products are supplied by supervised sale.
- ID will be required under Challenge 21 procedure.
- A refusals book is operated at the point of sale.

2.0 Representations

- 2.1 In respect of a new application, the applicant is responsible for advertising the application by way of a notice in specified form at the premises for not less than 28 consecutive days and in a local newspaper. The applicant placed notice in the Coalville Times on 9th November 2007 and officers are satisfied that proper notice has been displayed at the premises.
- 2.2 The applicant is also required to serve a copy of their application on each of the responsible authorities, namely, the Police and Fire authorities, Trading Standards Department and the District Councils Health and Safety, Environmental Protection and Planning Sections.
- 2.3 There have been no representations from any of the responsible authorities.
- 2.4 Interested parties in the vicinity of the premises are able to make representations within 28 days of the application being submitted to the Licensing Authority.
- 2.5 One letter raising representation has been received from a resident in the vicinity of the premises on the grounds of public nuisance and crime and disorder. A copy of the representation is attached as **appendix 4**.

3.0 Statutory Guidance

- 3.1 In making its decision, the Sub-Committee is obliged to have regard to Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003. All Licensing Committee members have been provided with a full copy of the guidance document. Officers consider that paragraphs

1.23 to 1.26, 2.1 to 2.18, 2.32 to 2.40, 8.28 to 8.32, 10.20 and 10.21 may have a bearing upon the application.

4.0 Statement of Licensing Policy

4.1 The Sub-Committee is also obliged to have regard to its own Statement of Licensing Policy. Officers consider that paragraphs 2.1 to 2.6, 4.1 to 4.6, 5.1, 5.2, 5.4, 6.1 to 6.10, 8.1 to 8.7, 9.10 to 9.18, 12.1, 15.1 and 15.4 may have a bearing upon the application.

5.0 Observations

5.1 The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

5.2 The Committee must take such of the following steps, as it considers necessary for the promotion of the licensing objectives:

- a) Grant the application as requested.
- b) Modify the conditions of the licence, by altering or omitting or adding to them.
- c) Reject the whole or part of the application.

5.3 There is a right of appeal to the Magistrates Court against the decision of the Sub-Committee by the applicant and persons who made relevant representations.